

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13498, of James V. Vito, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.43 to continue to operate a parking lot in an R-4 District at the premises rear 416 - 4th Street, N.E., (Square 780, Lot 62).

HEARING DATE: June 24, 1981
DECISION DATE: July 1, 1981

FINDINGS OF FACT:

1. The subject property is an alley lot located at the rear of 416 - 4th Street, N.E., between D and E Streets, N.E. It is in an R-4 zone District.
2. The site is bounded by a fifteen foot public alley on the north, a twenty-five foot public alley on the south, a ten foot public alley on the east and a thirty foot public alley on the west.
3. The subject lot is presently used as a parking lot, accommodating seventeen vehicles. The applicant proposes to continue this use.
4. The Board previously granted approval to establish the subject parking lot in Application No. 12061, by Order dated April 7, 1976, for a period of five years.
5. The proposed lot will serve employees of the Library of Congress Annex at 214 Massachusetts Avenue, N.E., approximately one block from the subject site. Also served are employees of the University of Chicago at 236 Massachusetts Avenue, N.E., located less than a block from the subject site. Parking is by permit, based on a month to month lease.
6. There is a lack of parking spaces in the area to serve both residents and employees.
7. The lot is open evenings and on the weekends to provide parking for nearby residential uses. However, individuals with permits have preference up until twelve midnight on weekdays.

8. The owner and operator testified that the subject lot is checked three times each weekday for debris and litter. Also, the lot contains seventeen marked spaces and a forty-two inch high chain link fence along the ten foot alley on the eastern property line.

9. The applicant stated it is his intention to develop the site in question as a residential use in the future.

10. Both the owner and operator testified that few complaints have been made concerning the lot over the past years, and that no single phone number has been posted on the lot where complaints or inquiries could be made. The lot is normally used from 6:00 a.m. to 4:30 p.m. weekdays.

11. The lot is maintained and operated in accordance with the previous Order of the Board. The photographs on record evidenced the lot to be clean and in a good, orderly condition.

12. No report was filed by Advisory Neighborhood Commission - 6A.

13. Two nearby property owners filed letters of opposition. The opposition was based on the traffic generated in the alleys, the noise of cars entering the lot at 6:30 a.m, the use of the lot by persons who loiter in the area, and the adverse effect on health generated by the lot.

14. The Stanton Park Neighborhood Association, by letter dated June 16, 1981, expressed opposition to the application, stating that it was opposed in principle to parking lots as an inappropriate use in an R-4 zone. The Association hoped that the lot could be put to a residential use.

15. The Capitol Hill Restoration Society by letter, dated June 16, 1981, expressed no opposition to the application provided that the special exception be granted for a period of time not to exceed one year, and that all conditions set by the Board in its Order of February, 1976 be restated at this time and be adhered to by the applicant.

16. The subject property was previously before the Board in Application No. 13205. By Order dated July 28, 1980, the Board denied the request for a special exception and a variance to permit the construction of six row dwellings. The Board concluded that the density "arising from the proposed development is not in harmony with the general purpose and intent of the Zoning Regulations."

17. The applicant testified that he was not a real estate developer, and that he was unable on his own to plan for the development of houses on the property. He further testified that he would seek within the coming year to find a developer who could carry out plans to build on the property. He requested approval of the continuation of the parking lot for one year only.

18. As to the issues raised by the persons in opposition, the Board finds that the proposed use generates a minimum amount of traffic. The lot is marked for only seventeen vehicles, and there is no in and out movement during the day. The Board further finds that there are only a limited number of uses to which an alley lot in an R-4 District can be put. A parking lot is the least objectionable of such uses for the subject property, especially in view of the applicant's expressed intention to seek a developer for housing on the site.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that he has satisfied the requirements of Paragraph 3104.43 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so demonstrated. The Board concludes in particular, that the lot is both necessary and convenient to other uses in the vicinity and that no significant adverse effect will result from the continuation of this lot because of noise, traffic, number of employees or house of operation on the present character or future development of the neighborhood in consideration of the limited time period for which approval will be granted. The Board further concludes that the grant of this special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the FOLLOWING CONDITIONS:

1. Approval shall be for a period of ONE YEAR from the date of the expiration of the previous certificate of occupancy, namely until April 7, 1982.
2. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
3. The number of parking spaces shall not exceed 17, with the layout to be as shown on the plat contained in the record, marked as Exhibit No. 10.

4. Bumper stops shall be located and maintained as shown on the plat contained in the record, marked as Exhibit No. 10.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
7. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted.
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
9. The applicant shall maintain the 42 inch high chain link fence along the ten foot alley on the eastern side of the property in good repair.

VOTE: 4-1 (Charles R. Norris, Douglas J. Patton, Connie Fortune and William F. McIntosh to GRANT; Lindsley Williams to DENY).

BY ORDE ROF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 SEP 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.
